

**IN THE UNITED STATES DISTRICT COURT  
FOR THE SOUTHERN DISTRICT OF TEXAS  
MCALLEN DIVISION**

UNITED STATES OF AMERICA,

*Plaintiff,*

V.

7.167 ACRES OF LAND, MORE OR LESS,  
SITUATE IN HIDALGO COUNTY,  
STATE OF TEXAS; AND CATHOLIC  
DIOCESE OF BROWNSVILLE, ET AL.,

*Defendants.*

§ § § § § § § § § § § § § § § §

CASE NO.: 7:20-CV-417

## COMPLAINT IN CONDEMNATION

1. This is a civil action brought by the United States of America at the request of the Secretary of the Department of Homeland Security, through the Acquisition Program Manager, Wall Program Management Office, U.S. Border Patrol Program Management Office Directorate, U.S. Border Patrol, U.S. Customs and Border Protection, Department of Homeland Security, for the taking of property under the power of eminent domain through a Declaration of Taking, and for the determination and award of just compensation to the owners and parties in interest.

2. The Court has subject matter jurisdiction over this action pursuant to 28 U.S.C. § 1358.

3. The interest in property taken herein is under and in accordance with the authority set forth in Schedule "A."

4. The public purpose for which said interest in property is taken is set forth in Schedule “B.”

5. The legal description and map or plat of land in which certain interests are being

acquired by the filing of this Complaint, pursuant to the Declaration of Taking, are set forth in Schedules “C” and “D.”

6. The interest being acquired in the property described in Schedules “C” and “D” is set forth in Schedule “E.”

7. The amount of just compensation estimated for the property interest being acquired is set forth in Schedule “F.”

8. The names and addresses of known parties having or claiming an interest in said acquired property are set forth in Schedule “G.”

9. Local and state taxing authorities may have or claim an interest in the property by reason of taxes and assessments due and eligible.

WHEREFORE, Plaintiff requests judgment that the interest described in Schedule “E” of the property described in Schedules “C” and “D” be condemned, and that just compensation for the taking of said interest be ascertained and awarded, and for such other relief as may be lawful and proper.

Respectfully submitted,

**RYAN K. PATRICK**  
United States Attorney  
Southern District of Texas

By: *s/ John A. Smith, III*  
**JOHN A. SMITH III**  
Assistant United States Attorney  
Attorney-in-Charge  
Southern District of Texas No. 8638  
Texas Bar No. 18627450  
One Shoreline Plaza  
800 North Shoreline Blvd., Suite 500  
Corpus Christi, Texas 78401  
Telephone: (361) 888-3111  
Facsimile: (361) 888-3234  
E-mail: [john.a.smith@usdoj.gov](mailto:john.a.smith@usdoj.gov)

# SCHEDULE A

**SCHEDULE A**

**AUTHORITY FOR THE TAKING**

The property is taken under and in accordance with 40 U.S.C. §§ 3113 and 3114, which authorize the condemnation of land and the filing of a Declaration of Taking; the Act of Congress approved September 30, 1996, as Public Law 104-208, Division C, Section 102, 110 Stat. 3009-546, 3009-554-55, as amended and codified at 8 U.S.C. § 1103(b) & note; and the Act of Congress approved February 15, 2019, as Public Law 116-6, div. A, tit. II, Section 230, 133 Stat. 13, which appropriated the funds that shall be used for the taking.

# SCHEDULE B

**SCHEDULE B**

**PUBLIC PURPOSE**

The public purpose for which said property is taken is to construct, install, operate, and maintain roads, fencing, vehicle barriers, security lighting, cameras, sensors, and related structures designed to help secure the United States/Mexico border within the State of Texas.

# SCHEDULE C

**SCHEDULE C**

**LEGAL DESCRIPTION**

Hidalgo County, Texas

Tract: RGV-MCS-2217

Owner: Catholic Diocese of Brownsville

Acres: 7.167

**BEING** a 7.167 acre tract (312,181 square feet) parcel of land, more or less, being out of called 100.900 acre tract, recorded in Document No. 1999-814019, Official Records of Hidalgo County (O.R.H.C.), Texas, conveyed to Catholic Diocese of Brownsville, said 7.167 acre (312,181 square feet) parcel of land being more particularly described as follows;

**BEGINNING** at a found 1/2" rebar designated "RGV-MCS-2213-1=RGV-MCS-2214-1-1=RGV-MCS-2215-1=RGV-MCS-2217-1" having a coordinate value of N=16581793.002, E=1040166.598, said point being the northwest corner of the herein described proposed acquisition tract, said point being the northwest corner of said Catholic Diocese of Brownsville tract and the northeast corner of a called 247.68 acre tract (Tract 326C), recorded in Volume 1510, Page 87, Deed Records of Hidalgo County, (D.R.H.C.), Texas, conveyed to the United States of America (U.S. Fish and Wildlife Service) and the southeast corner of a called 1.142 acre tract (Tract 332B), recorded in Document No. 340160, Official Records of Hidalgo County (O.R.H.C.), Texas, conveyed to United States of America (U.S. Fish and Wildlife Service) and the southwest corner of a called 2.64 acre tract, recorded in Document No. 2011-2224163, Official Records of Hidalgo County (O.R.H.C.), Texas, conveyed to City of Mission, Texas, said point being on the west line of the levee easement (733-H), recorded in Document No. 1942-18238, Official Records of Hidalgo County (O.R.H.C.), Texas, conveyed to the United States of America, said point also being N 31°27'02" W, a distance of 4,763.93 feet from United States Corps of Engineers Control Point No. H122;



**SCHEDULE C (Cont.)**

**THENCE:** N 79°31'58" E, departing the west line of said levee easement (733-H) and along the north line of said Catholic Diocese of Brownsville tract and the south line of said City of Mission, Texas tract, a distance of 86.45 feet to the west line of a tract of land, recorded in Volume 752, Page 342, Deed Records of Hidalgo County (D.R.H.C.), Texas, conveyed to Hidalgo County Water Control and Improvement District No. 19, said point being on the east line of said levee easement (733-H) and the west line of the levee easement (734-H), recorded in Document No. 1944-45877, Official Records of Hidalgo County (O.R.H.C.), Texas, conveyed to the United States of America, designated "RGV-MCS-2202-2-1=RGV-MCS-2217-2" for the northeast corner of the herein described proposed acquisition tract;

**THENCE:** S 15°48'29" E, departing said north line of Catholic Diocese of Brownsville tract and said south line of said City of Mission, Texas tract, and along the west line of said Hidalgo County Water Control and Improvement District No. 19 tract, the east line of said levee easement (733-H), and the west line of said levee easement (734-H), a distance of 229.31 feet to an angle point designated "RGV-MCS-2202-2-25=RGV-MCS-2217-3";

**THENCE:** S 21°02'48" E, along the west line of said Hidalgo County Water Control and Improvement District No. 19 tract, the east line of said levee easement (733-H), and the west line of said levee easement (734-H), a distance of 727.40 feet to an angle point designated "RGV-MCS-2202-2-24=RGV-MCS-2217-4";

**THENCE:** S 22°35'48" E, along the west line of said Hidalgo County Water Control and Improvement District No. 19 tract, the east line of said levee easement (733-H), and the west line of said levee easement (734-H), a distance of 449.20 feet to an angle point designated "RGV-MCS-2202-2-23=RGV-MCS-2217-5";

**THENCE:** S 30°10'48" E, along the west line of said Hidalgo County Water Control and Improvement District No. 19 tract, the east line of said levee easement (733-H), and the west line of said levee easement (734-H), a distance of 610.70 feet to an angle point designated "RGV-MCS-2202-2-22=RGV-MCS-2217-6";



**SCHEDULE C (Cont.)**

**THENCE:** S 29°38'48" E, along the west line of said Hidalgo County Water Control and Improvement District No. 19 tract, the east line of said levee easement (733-H), and the west line of said levee easement (734-H), a distance of 635.80 feet to an angle point designated "RGV-MCS-2202-2-21=RGV-MCS-2217-7";

**THENCE:** S 30°31'48" E, along the west line of said Hidalgo County Water Control and Improvement District No. 19 tract, the east line of said levee easement (733-H), and the west line of said levee easement (734-H), a distance of 318.02 feet to the south line of said Catholic Diocese of Brownsville tract and the north line of a called 68.30 acre tract, recorded in Document No. 1153789, Official Records of Hidalgo County (O.R.H.C.), Texas, conveyed to Hunt Valley Industrial I, L.P. and described in Document No. 1353747, Official Records of Hidalgo County (O.R.H.C.), Texas, for an angle point designated "RGV-MCS-2202-2-20=RGV-MCS-2217-8= RGV-MCS-2219-2", said point being the southeast corner of the herein described proposed acquisition tract;

**THENCE:** S 57°27'31" W, departing the west line of said Hidalgo County Water Control and Improvement District No. 19 tract, the east line of said levee easement (733-H), and the west line of said levee easement (734-H) and along said south line of said Catholic Diocese of Brownsville tract and the north line of said Hunt Valley Industrial I, L.P. tract, a distance of 74.98 feet to a found 1/2" rebar designated "RGV-MCS-2215-1-1=RGV-MCS-2217-9=RGV-MCS-2219-1" for the southwest corner of the herein described proposed acquisition tract, said point being the southwest corner of said Catholic Diocese of Brownsville tract and the northwest corner of said Hunt Valley Industrial I, L.P. tract, and said point being on the east line of said United States of America tract (Tract 326C), and the west line of said levee easement (733-H);

**THENCE:** N 30°29'43" W, along the west line of said Catholic Diocese of Brownsville tract, the east line of said United States of America tract (Tract 326C), and the west line of said levee easement (733-H), a distance of 320.75 feet to a found nail in 3" concrete post designated "RGV-MCS-2215-1-10=RGV-MCS-2217-10" for an angle point;

**THENCE:** N 29°39'55" W, along said west line of Catholic Diocese of Brownsville tract, said east line of United States of America tract (Tract 326C), and the west line of said levee easement (733-H), a distance of 369.03 feet to a



**SCHEDULE C (Cont.)**

found nail in 3" concrete post designated "RGV-MCS-2215-1-9=RGV-MCS-2217-11" for an angle point;

**THENCE:** S 60°19'07" W, along said west line of Catholic Diocese of Brownsville tract, said east line of United States of America tract (Tract 326C), and the west line of said levee easement (733-H), passing at 111.31 feet the northwest corner of proposed acquisition tract RGV-RGC-2215-1, being a set 5/8" rebar with a "B&F Engineering, Inc." aluminum cap stamped "RGV-MCS-2215-1-8, in total a distance of 126.01 feet to a found nail in 3" concrete post designated "RGV-MCS-2217-12" for an angle point;

**THENCE:** N 30°18'39" W, along said west line of Catholic Diocese of Brownsville tract, said east line of United States of America tract (Tract 326C), and the west line of said levee easement (733-H), a distance of 496.72 feet to a found nail in 3" concrete post designated "RGV-MCS-2217-13" for an angle point, said point being on the said west line of Catholic Diocese of Brownsville tract, said east line of United States of America tract (Tract 326C), and the west line of said levee easement (733-H);

**THENCE:** N 58°23'53" E, along said west line of Catholic Diocese of Brownsville tract, said east line of United States of America tract (Tract 326C), and the west line of said levee easement (733-H), passing at 13.98 feet a set 5/8" rebar with a "B&F Engineering, Inc." aluminum cap stamped "RGV-MCS-2215-6, in total a distance of 124.91 feet to a found 1/2" rebar designated "RGV-MCS-2215-5=RGV-MCS-2217-14" for an angle point;

**THENCE:** N 31°21'57" W, along said west line of Catholic Diocese of Brownsville tract, said east line of United States of America tract (Tract 326C), and the west line of said levee easement (733-H), a distance of 399.92 feet to a found 1/2" rebar designated "RGV-MCS-2215-4=RGV-MCS-2217-15" for an angle point;

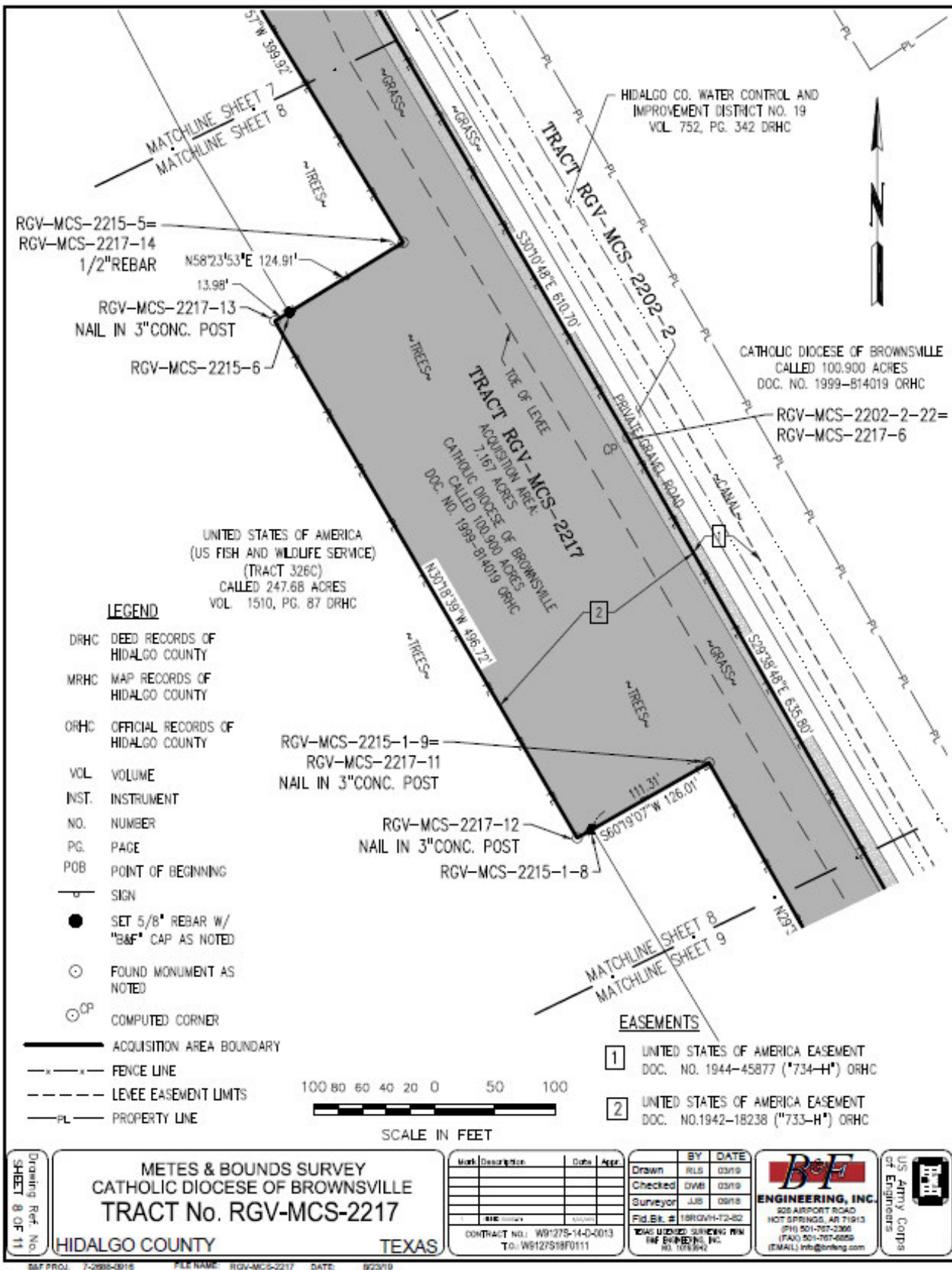
**THENCE:** N 22°32'24" W, along said west line of Catholic Diocese of Brownsville tract, said east line of United States of America tract (Tract 326C), and the west line of said levee easement (733-H), a distance of 456.88 feet to a found nail in 3" concrete post designated "RGV-MCS-2215-3=RGV-MCS-2217-16" for an angle point;

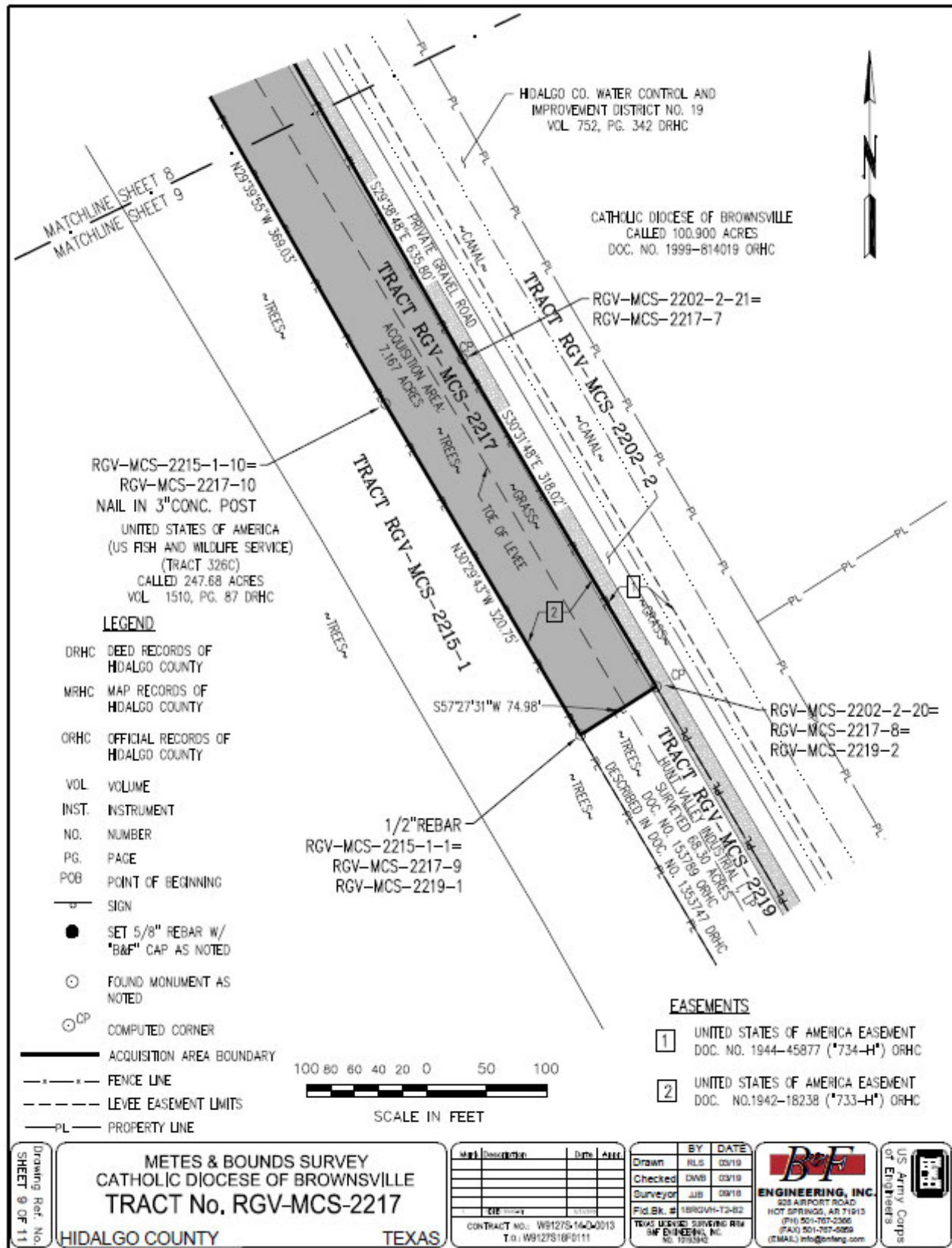
**SCHEDULE C (Cont.)**

**THENCE:** N 21°01'49" W, along said west line of Catholic Diocese of Brownsville tract, said east line of United States of America tract (Tract 326C), and the west line of said levee easement (733-H), a distance of 734.09 feet to a found nail in 3" concrete post designated "RGV-MCS-2215-2=RGV-MCS-2217-17" for an angle point;

**THENCE:** N 14°21'53" W, along said west line of Catholic Diocese of Brownsville tract, said east line of United States of America tract (Tract 326C), and the west line of said levee easement (733-H), a distance of 222.67 feet to the **POINT OF BEGINNING** and containing 7.003 acres (305,055 square feet) of land, more or less.



**SCHEDULE C (Cont.)**

**SCHEDULE C (Cont.)**

**SCHEDULE C (Cont.)**

DESCRIPTION	NORTHING	EASTING
RGV-MCS-2213-1=RGV-MCS-2214-1-1= RGV-MCS-2215-1=RGV-MCS-2217-1	16581793.002	1040166.598
RGV-MCS-2202-2-1=RGV-MCS-2217-2	16581808.708	1040251.611
RGV-MCS-2202-2-25=RGV-MCS-2217-3	16581588.073	1040314.078
RGV-MCS-2202-2-24=RGV-MCS-2217-4	16580909.200	1040575.308
RGV-MCS-2202-2-23=RGV-MCS-2217-5	16580494.484	1040747.910
RGV-MCS-2202-2-22=RGV-MCS-2217-6	16579966.564	1041054.921
RGV-MCS-2202-2-21=RGV-MCS-2217-7	16579413.996	1041369.420
RGV-MCS-2202-2-20=RGV-MCS-2217-8	16579140.065	1041530.972
RGV-MCS-2215-1-1=RGV-MCS-2217-9= RGV-MCS-2219-1	16579099.732	1041467.763
RGV-MCS-2215-1-10=RGV-MCS-2217-10	16579376.114	1041304.993
RGV-MCS-2215-1-9=RGV-MCS-2217-11	16579696.771	1041122.349
RGV-MCS-2217-12	16579634.374	1041012.872
RGV-MCS-2217-13	16580063.189	1040762.182
RGV-MCS-2215-5=RGV-MCS-2217-14	16580128.646	1040868.573
RGV-MCS-2215-4=RGV-MCS-2217-15	16580470.124	1040660.412
RGV-MCS-2215-3=RGV-MCS-2217-16	16580892.103	1040485.277
RGV-MCS-2215-2=RGV-MCS-2217-17	16581577.299	1040221.840

**GENERAL SURVEYOR'S NOTES:**

1. THE BEARINGS, DISTANCES AND COORDINATE VALUES SHOWN HEREON ARE BASED ON THE TEXAS STATE PLANE COORDINATE SYSTEM, REFERENCED TO NAD 83(2011), TX SOUTH ZONE(4205), US SURVEY FEET, USING THE CORS(2011) ADJUSTMENT. THE DISTANCES AND COORDINATES SHOWN HEREON ARE GRID VALUES AND MAY BE CONVERTED TO GROUND (SURFACE) USING THE TxDOT COUNTY PUBLISHED COMBINED SCALE FACTOR OF 1.000040000 (E.G. GRID X 1.000040000 = SURFACE).
2. A SEPERATE METES AND BOUNDS DESCRIPTION OF EQUAL DATE WAS WRITTEN IN CONJUNCTION WITH THIS SURVEY PLAT.
3. THE SQUARE FOOTAGE TOTAL RECITED HEREIN IS BASED ON MATHEMATICAL CALCULATIONS AND SUBJECT TO THE RULES OF ROUNDING AND SIGNIFICANT NUMBERS.
4. THE REMAINING ACREAGE OF THE PARENT TRACT WAS CALCULATED FROM THE RECORDED INSTRUMENTS AND IS NOT BASED ON FIELD DIMENSIONS.
5. FIELD SURVEY WAS COMPLETED IN NOVEMBER, 2018.
6. THIS SURVEY WAS PREPARED WITHOUT THE BENEFIT OF A TITLE COMMITMENT.
7. B&F ENGINEERING, INC. HAS PROVIDED THESE SURVEY SERVICES TO THE CORPS OF ENGINEERS AS THE PRIME CONSULTANT. THE CORP'S CONTRACTING OFFICER'S REPRESENTATIVE IS STEPHEN CORLEY, RPLS (817) 886-1143.
8. LONE STAR 811 UTILITY LOCATE REQUEST WAS SUBMITTED FOR THIS SURVEY ON OCTOBER 9, 2018 (TICKET NO. 1877865798).

Drawing Ref. No.  
SHEET 10 OF 11

**METES & BOUNDS SURVEY  
CATHOLIC DIOCESE OF BROWNSVILLE  
TRACT No. RGV-MCS-2217**

**HIDALGO COUNTY**
**TEXAS**

Work Description	Date	Appr.

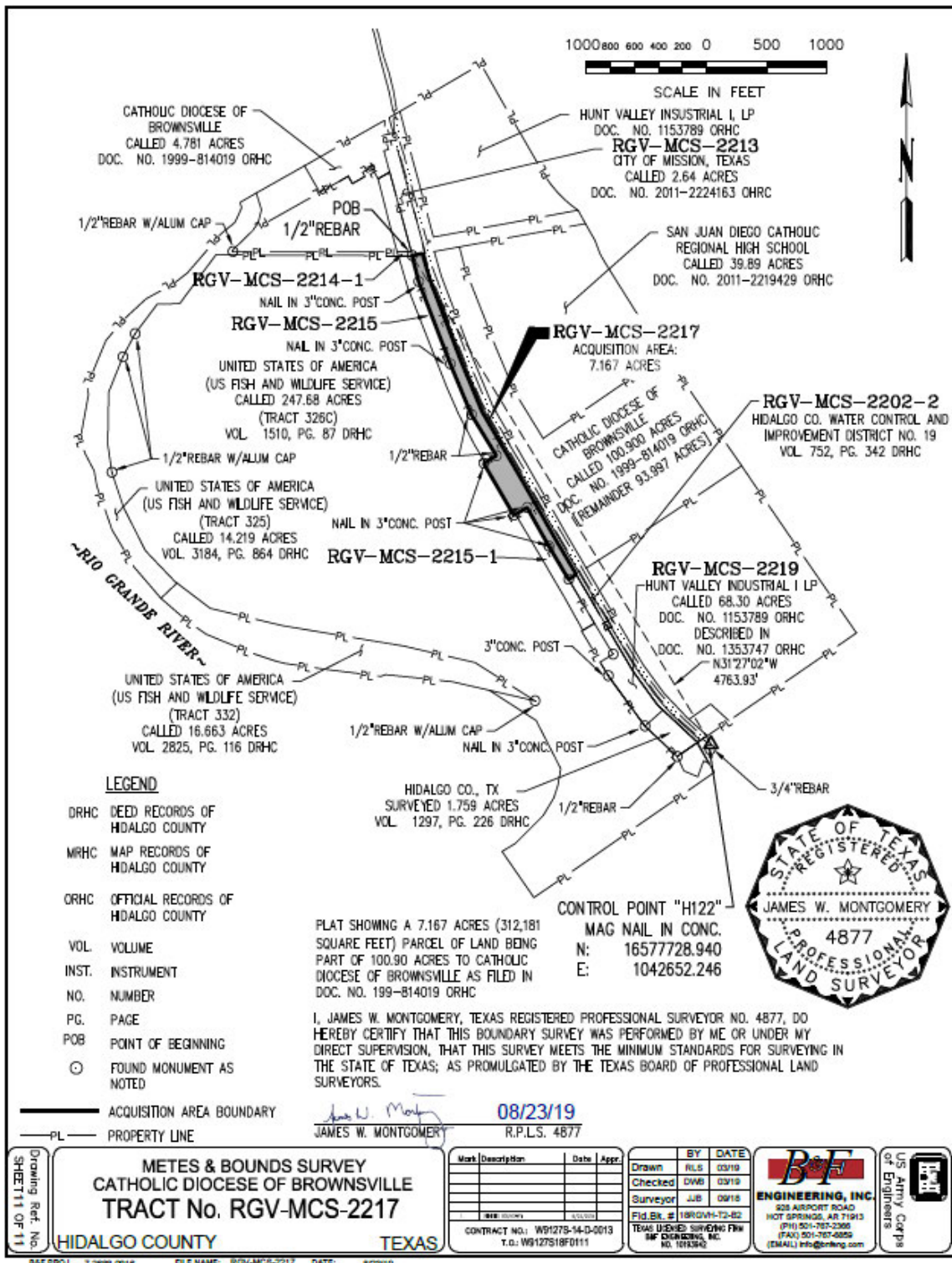
CONTRACT NO.: W91275-14-D-0013  
T.O.: W9127518F0111

BY	DATE
Drawn	RLS 03/19
Checked	DWB 03/19
Surveyor	JUB 09/18
Field Bk. #	18RGV17-12-82
TEXAS LICENSED SURVEYING FIRM	
B&F ENGINEERING, INC.	
NO. 1013342	

**B&F**  
**ENGINEERING, INC.**  
328 AIRPORT ROAD  
HOT SPRINGS, AR 71913  
(PH) 501-767-2366  
(FAX) 501-767-6965  
(EMAIL) info@benteng.com





**SCHEDULE C (Cont.)**

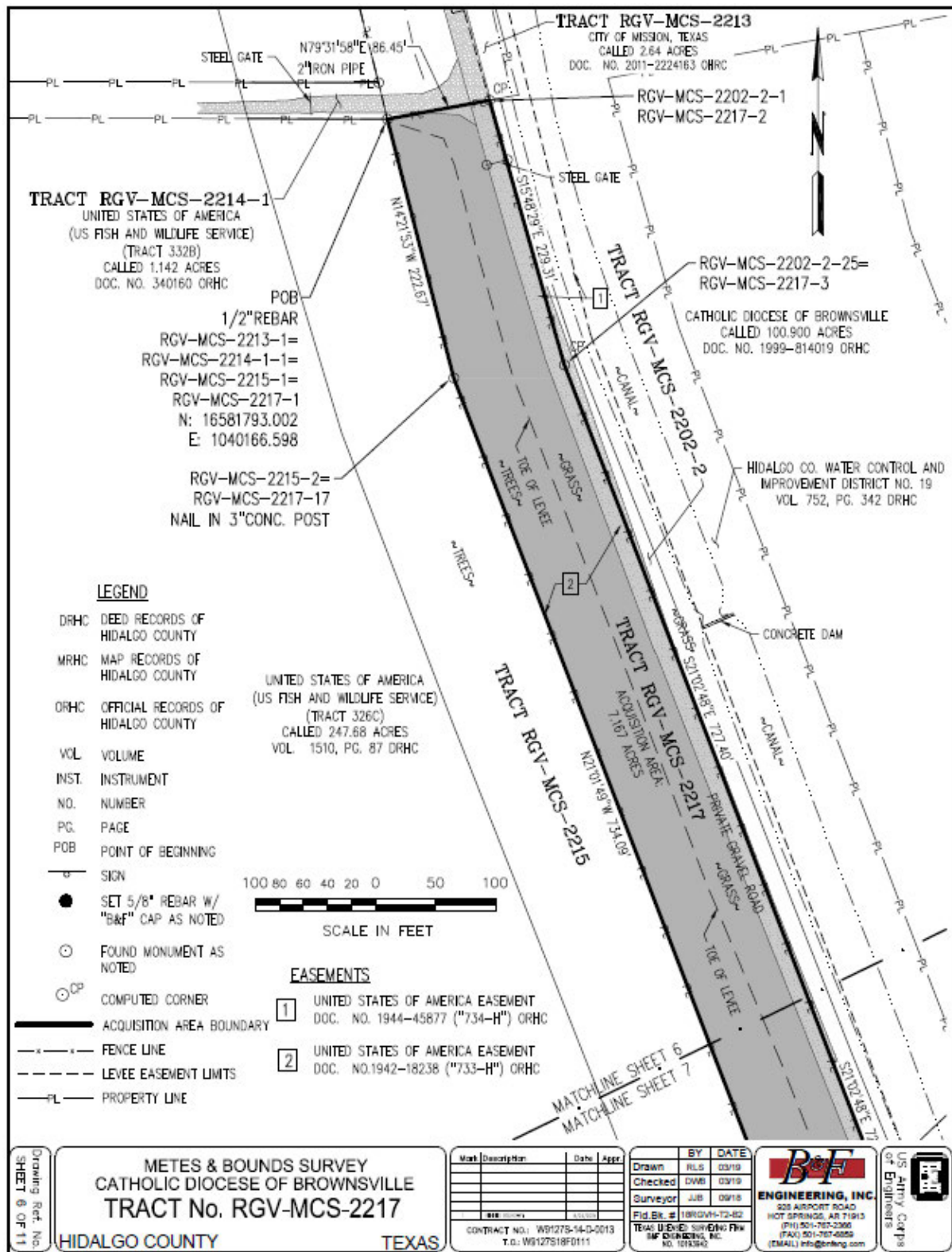
Tract: RGV-MCS-2217

Owner: Catholic Diocese of Brownsville

Acreage: 7.167



# SCHEDULE D





# SCHEDULE E

**SCHEDULE E**

**ESTATE TAKEN**

Hidalgo County, Texas

Tract: RGV-MCS-2217

Owner: Catholic Diocese of Brownsville

Acres: 7.167

The estate taken is fee simple, subject to existing easements for public roads and highways, public utilities, railroads, and pipelines; and subject to all interests in minerals and appurtenant rights for exploration, development, production and removal of said minerals;

Excepting and excluding all interests in water rights and water distribution and drainage systems, if any, provided that any surface rights arising from such water rights or systems are subordinated to the United States' construction, operation, and maintenance of the border barrier.

# SCHEDULE F

**SCHEDULE F**

**ESTIMATE OF JUST COMPENSATION**


The sum estimated as just compensation for the land being taken is THIRTY THOUSAND NINETY NINE DOLLARS AND NO/100 (\$30,099.00), to be deposited herewith in the Registry of the Court for the use and benefit of the persons entitled thereto.

# SCHEDULE G



**SCHEDULE G****INTERESTED PARTIES**

The following table identifies all persons who have or claim an interest in the property condemned and whose names are now known, indicating the nature of each person's property interest(s) as indicated by references in the public records and any other information available to the United States. See Fed. R. Civ. P. 71.1(c).

Interested Party	Reference
<b>Catholic Diocese of Brownsville</b> <b>c/o The Most Revered Daniel E. Flores,</b> <b>Bishop</b>  Brownsville, Texas	<b>RGV-MCS-2217</b> Special Warranty Deed, Document #1999-814019; Recorded October 1, 1999, Deed Records of Hidalgo County
<b>Pablo Villarreal, Jr.</b> 2802 South Closner Boulevard Edinburg, Texas 78539	<b>Hidalgo County Tax Assessor -</b> <b>Collector</b>

## CIVIL COVER SHEET

The JS 44 civil cover sheet and the information contained herein neither replace nor supplement the filing and service of pleadings or other papers as required by law, except as provided by local rules of court. This form, approved by the Judicial Conference of the United States in September 1974, is required for the use of the Clerk of Court for the purpose of initiating the civil docket sheet. (SEE INSTRUCTIONS ON NEXT PAGE OF THIS FORM.)

**I. (a) PLAINTIFFS**

United States of America

(b) County of Residence of First Listed Plaintiff \_\_\_\_\_  
(EXCEPT IN U.S. PLAINTIFF CASES)

(c) Attorneys (Firm Name, Address, and Telephone Number)  
John A. Smith, III, Assistant U.S. Attorney, SDTX, 1701 W. Bus. Highway  
83, Suite 600, McAllen, TX 78501

**DEFENDANTS**

7.167 ACRES OF LAND, MORE OR LESS, SITUATE IN HIDALGO  
COUNTY, STATE OF TEXAS; AND CATHOLIC DIOCESE OF  
BROWNSVILLE, ET AL.

County of Residence of First Listed Defendant HIDALGO  
(IN U.S. PLAINTIFF CASES ONLY)

NOTE: IN LAND CONDEMNATION CASES, USE THE LOCATION OF  
THE TRACT OF LAND INVOLVED.

Attorneys (If Known)

**II. BASIS OF JURISDICTION** (Place an "X" in One Box Only)

- ☒ 1 U.S. Government Plaintiff
- ☐ 2 U.S. Government Defendant
- ☐ 3 Federal Question  
(U.S. Government Not a Party)
- ☐ 4 Diversity  
(Indicate Citizenship of Parties in Item III)

**III. CITIZENSHIP OF PRINCIPAL PARTIES** (Place an "X" in One Box for Plaintiff and One Box for Defendant)

- |   | PTF                        | DEF                        |   | PTF                        | DEF                        |
|---|----------------------------|----------------------------|---|----------------------------|----------------------------|
| Citizen of This State                   | <input type="checkbox"/> 1 | <input type="checkbox"/> 1 | Incorporated or Principal Place of Business In This State     | <input type="checkbox"/> 4 | <input type="checkbox"/> 4 |
| Citizen of Another State                | <input type="checkbox"/> 2 | <input type="checkbox"/> 2 | Incorporated and Principal Place of Business In Another State | <input type="checkbox"/> 5 | <input type="checkbox"/> 5 |
| Citizen or Subject of a Foreign Country | <input type="checkbox"/> 3 | <input type="checkbox"/> 3 | Foreign Nation  | <input type="checkbox"/> 6 | <input type="checkbox"/> 6 |

**IV. NATURE OF SUIT** (Place an "X" in One Box Only)

Click here for: [Nature of Suit Code Descriptions.](#)

CONTRACT	TORTS	FORFEITURE/PENALTY	BANKRUPTCY	OTHER STATUTES
<input type="checkbox"/> 110 Insurance <input type="checkbox"/> 120 Marine <input type="checkbox"/> 130 Miller Act <input type="checkbox"/> 140 Negotiable Instrument <input type="checkbox"/> 150 Recovery of Overpayment & Enforcement of Judgment <input type="checkbox"/> 151 Medicare Act <input type="checkbox"/> 152 Recovery of Defaulted Student Loans (Excludes Veterans) <input type="checkbox"/> 153 Recovery of Overpayment of Veteran's Benefits <input type="checkbox"/> 160 Stockholders' Suits <input type="checkbox"/> 190 Other Contract <input type="checkbox"/> 195 Contract Product Liability <input type="checkbox"/> 196 Franchise	<b>PERSONAL INJURY</b> <input type="checkbox"/> 310 Airplane <input type="checkbox"/> 315 Airplane Product Liability <input type="checkbox"/> 320 Assault, Libel & Slander <input type="checkbox"/> 330 Federal Employers' Liability <input type="checkbox"/> 340 Marine <input type="checkbox"/> 345 Marine Product Liability <input type="checkbox"/> 350 Motor Vehicle <input type="checkbox"/> 355 Motor Vehicle Product Liability <input type="checkbox"/> 360 Other Personal Injury <input type="checkbox"/> 362 Personal Injury - Medical Malpractice	<input type="checkbox"/> 365 Personal Injury - Product Liability <input type="checkbox"/> 367 Health Care/Pharmaceutical Personal Injury Product Liability <input type="checkbox"/> 368 Asbestos Personal Injury Product Liability <b>PERSONAL PROPERTY</b> <input type="checkbox"/> 370 Other Fraud <input type="checkbox"/> 371 Truth in Lending <input type="checkbox"/> 380 Other Personal Property Damage <input type="checkbox"/> 385 Property Damage Product Liability	<input type="checkbox"/> 422 Appeal 28 USC 158 <input type="checkbox"/> 423 Withdrawal 28 USC 157 <b>PROPERTY RIGHTS</b> <input type="checkbox"/> 820 Copyrights <input type="checkbox"/> 830 Patent <input type="checkbox"/> 835 Patent - Abbreviated New Drug Application <input type="checkbox"/> 840 Trademark <b>SOCIAL SECURITY</b> <input type="checkbox"/> 861 HIA (1395ff) <input type="checkbox"/> 862 Black Lung (923) <input type="checkbox"/> 863 DIWC/DIWW (405(g)) <input type="checkbox"/> 864 SSID Title XVI <input type="checkbox"/> 865 RSI (405(g))	<input type="checkbox"/> 375 False Claims Act <input type="checkbox"/> 376 Qui Tam (31 USC 3729(a)) <input type="checkbox"/> 400 State Reapportionment <input type="checkbox"/> 410 Antitrust <input type="checkbox"/> 430 Banks and Banking <input type="checkbox"/> 450 Commerce <input type="checkbox"/> 460 Deportation <input type="checkbox"/> 470 Racketeer Influenced and Corrupt Organizations <input type="checkbox"/> 480 Consumer Credit <input type="checkbox"/> 490 Cable/Sat TV <input type="checkbox"/> 850 Securities/Commodities/Exchange <input type="checkbox"/> 890 Other Statutory Actions <input type="checkbox"/> 891 Agricultural Acts <input type="checkbox"/> 893 Environmental Matters <input type="checkbox"/> 895 Freedom of Information Act
<b>REAL PROPERTY</b> <input checked="" type="checkbox"/> 210 Land Condemnation <input type="checkbox"/> 220 Foreclosure <input type="checkbox"/> 230 Rent Lease & Ejectment <input type="checkbox"/> 240 Torts to Land <input type="checkbox"/> 245 Tort Product Liability <input type="checkbox"/> 290 All Other Real Property	<b>CIVIL RIGHTS</b> <input type="checkbox"/> 440 Other Civil Rights <input type="checkbox"/> 441 Voting <input type="checkbox"/> 442 Employment <input type="checkbox"/> 443 Housing/Accommodations <input type="checkbox"/> 445 Amer. w/Disabilities - Employment <input type="checkbox"/> 446 Amer. w/Disabilities - Other <input type="checkbox"/> 448 Education	<b>PRISONER PETITIONS</b> <b>Habeas Corpus:</b> <input type="checkbox"/> 463 Alien Detainee <input type="checkbox"/> 510 Motions to Vacate Sentence <input type="checkbox"/> 530 General <input type="checkbox"/> 535 Death Penalty <b>Other:</b> <input type="checkbox"/> 540 Mandamus & Other <input type="checkbox"/> 550 Civil Rights <input type="checkbox"/> 555 Prison Condition <input type="checkbox"/> 560 Civil Detainee - Conditions of Confinement	<b>FEDERAL TAX SUITS</b> <input type="checkbox"/> 870 Taxes (U.S. Plaintiff or Defendant) <input type="checkbox"/> 871 IRS—Third Party 26 USC 7609	<input type="checkbox"/> 896 Arbitration <input type="checkbox"/> 899 Administrative Procedure Act/Review or Appeal of Agency Decision <input type="checkbox"/> 950 Constitutionality of State Statutes
		<input type="checkbox"/> 625 Drug Related Seizure of Property 21 USC 881 <input type="checkbox"/> 690 Other	<input type="checkbox"/> 710 Fair Labor Standards Act <input type="checkbox"/> 720 Labor/Management Relations <input type="checkbox"/> 740 Railway Labor Act <input type="checkbox"/> 751 Family and Medical Leave Act <input type="checkbox"/> 790 Other Labor Litigation <input type="checkbox"/> 791 Employee Retirement Income Security Act	
		<b>LABOR</b> <input type="checkbox"/> 710 Fair Labor Standards Act <input type="checkbox"/> 720 Labor/Management Relations <input type="checkbox"/> 740 Railway Labor Act <input type="checkbox"/> 751 Family and Medical Leave Act <input type="checkbox"/> 790 Other Labor Litigation <input type="checkbox"/> 791 Employee Retirement Income Security Act	<input type="checkbox"/> 462 Naturalization Application <input type="checkbox"/> 465 Other Immigration Actions	

**V. ORIGIN** (Place an "X" in One Box Only)

- ☒ 1 Original Proceeding
- ☐ 2 Removed from State Court
- ☐ 3 Remanded from Appellate Court
- ☐ 4 Reinstated or Reopened
- ☐ 5 Transferred from Another District (specify)
- ☐ 6 Multidistrict Litigation - Transfer
- ☐ 8 Multidistrict Litigation - Direct File

**VI. CAUSE OF ACTION**

Cite the U.S. Civil Statute under which you are filing (Do not cite jurisdictional statutes unless diversity):  
40 U.S.C. 3113 and 3114

Brief description of cause:

Land condemnation proceeding for fee simple interest to construct, install, operate, and maintain border security

**VII. REQUESTED IN COMPLAINT:**

☐ CHECK IF THIS IS A CLASS ACTION UNDER RULE 23, F.R.Cv.P.

**DEMAND \$**

CHECK YES only if demanded in complaint:

**JURY DEMAND:** ☐ Yes ☒ No

**VIII. RELATED CASE(S) IF ANY**

(See instructions):

JUDGE

DOCKET NUMBER

DATE

12/17/2020

SIGNATURE OF ATTORNEY OF RECORD

s/John A. Smith, III

FOR OFFICE USE ONLY

RECEIPT #

AMOUNT

APPLYING IFP

JUDGE

MAG. JUDGE